## RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL (Suspending Timeframes in the Appointed Officers Law Due to the COVID-19 Pandemic)

**RESOLUTION NO. 20-121** 

1	WHEREAS,	Article VII, Section 2(e) of the Constitution of the Tohono O'odham Nation vests
2		the Nation's chairman with authority to appoint the Nation's treasurer, and other
3		officers and heads of all governmental departments with the approval of the
4		Tohono O'odham Legislative Council; and
5	WHEREAS,	pursuant to Section 4003 (F) of 1 Tohono O'odham Code Chapter 4 (the "Appointed
6		Officers law"), an appointee may not serve as an appointed officer for "more than
7		120 consecutive or nonconsecutive days without approval of the appointment by
8		resolution, provided that the 120-day period shall not include the committee and
9		Council review periods provided in subsection (C) and (D)"; and
10	WHEREAS,	on June 14, 2019, subject to the approval of the Legislative Council, Chairman
11		Norris appointed executive directors for the following departments: Human
12		Resources, Natural Resources, Water Resources, Planning and Economic
13		Development, Education, Membership Services, Health and Human Services,
14		Public Safety, Treasury, Tohono O'odham Gaming Office, and the Chief
15		Administrative Officer; and
16	WHEREAS,	pursuant to 1 T.O.C. Ch. 4 Section 4003(F), "[t]he chairperson and Council may
17		agree to extend the 120-day period by resolution"; and
18	WHEREAS,	by Resolution No. 19-443, the Legislative Council and Chairperson agreed to a 90-
19		day extension of the 120-day period; and
20	WHEREAS,	the process for review and approval of the appointees by the Legislative Council
21	"	was interrupted by the COVID-19 pandemic, which required the closure of
22		Legislative Branch offices and the suspension of in-person meetings as of March
23		19, 2020 (the "COVID-19 closure"); and
24	WHEREAS,	within the Appointed Officers law, there are several timeframes including one for
25		the Nation's chairperson to present the appointee's application materials and
26		background investigation report to the oversight committee, another timeframe
27		for the committee to review the materials and interview the appointee, and a
28		subsequent time period for the Legislative Council to interview the appointee;
29		and
30	WHEREAS,	the Rules Committee has reviewed and recommends that the Legislative Council
31		suspend the operation of any timeframes in the Appointed Officers law until 30
32		days after Legislative Branch offices are reopened to the public.
33	NOW, THERE	FORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the
34		suspension of all time periods prescribed in the Appointed Officers law for
35		appointed officer appointees until 30 days after the first business day during

## RESOLUTION NO. <u>20-121</u> (Suspending Timeframes in the Appointed Officers Law Due to the COVID-19 Pandemic) Page 2 of 3

closure.  BE IT FINALLY RESOLVED that in the event of any conflict between the provisions of the Appointed Officers law and this Resolution, the provisions of this Resolution shall control.  The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 28th day of APRIL. 2020 at a meeting at which a quorum was present with a vote of 1,611.2 FOR; 1,564.5 AGAINST; 1031 NOT VOTING; and [02] ARSENT, pursuant to the powers vested in the Council by Article VI, Section 1 and Article II Section 2(c) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).  TOHONO O'ODHAM LEGISLATIVE COUNCIL  ATTEST:  day of May of Article VI, Section 1 and Article II Section 2(c) of the Constitution of the Tohono O'odham Nation on the day of May	1	which Legislative Branch offices are reopened to the public after the COVID-19								
Appointed Officers law and this Resolution, the provisions of this Resolution shall control.  The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 28 <sup>TM</sup> day of APRIL. 2020 at a meeting at which a quorum was present with a vote of 1,611.2 FOR; 1,544.5 AGAINST; [01] NOT VOTING; and [02] ABSENT, pursuant to the powers steed in the Council by Article VI, Section 1 and Article II Section 2(e) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation, adopted by the Tohono O'odham Article on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).  TOHONO O'ODHAM LEGISLATIVE COUNCIL  ATTEST:  Aday of March 2, 2020  Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the day of, 2020  Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the day of, 2020 at 249. o'clock,,, mpursuant to the provisions of Section 5 of Article VI of the Constitution and will become cffective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.  TOHONO O'ODHAM LEGISLATIVE COUNCIL  APPROVED	2									
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TOHONG O'ODHAM LEGISLATIVE COUNCIL  ATVEST:  day of Merking a day of Merking and the month of the Tohono O'odham Nation and provisions of Section 5 of Article VI. Section 1 and Article II Section 2(c) of the Constitution of the Tohono O'odham Nation and adopted by the Tohono O'odham Nation on January 18, 1986; approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).  TOHONG O'ODHAM LEGISLATIVE COUNCIL  Timothy Joaquin, Legislative Chairman of the Tohono O'odham Nation on the	4	· I								
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Council by Article VI, Section 1 and Article II Section 2(e) of the Constitution of the Tohono O'odham Nation on January 18, 1986; approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).  TOHONO O'ODHAM LEGISLATIVE COUNCIL  Timothy Joaquin, Legislative Chairman  aday of		1.564.5 AGAINST; [01] NOT VOTING: and [02] ARSENT, pursuant to the nowers vested in the								
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TOHONO O'ODHAM LEGISLATIVE COUNCIL  Timothy Joaquin, Legislative Chairman  ATTEST:  Aday of May, 2020  Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the day of, 2020 at 2.449 o'clock,m, pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.  TOHONO O'ODHAM LEGISLATIVE COUNCIL  TOHONO O'ODHAM LEGISLATIVE COUNCIL  APPROVED on the day of		Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to								
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## RESOLUTION NO. 20-121 (Suspending Timeframes in the Appointed Officers Law Due to the COVID-19 Pandemic) Page 3 of 3

	Page 3 of 3
1	Returned to the Legislative Secretary on theday of
1 2 3 4 5 6 7 8 9	Ma
3	May , 2020, at 12:58 o'clock, p.m.
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9	Evonne Wilson, Legislative Secretary
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ACTION: SUSPENDING TIMEFRAMES IN THE APPOINTED OFFICERS LAW DUE TO THE COVID-19 PANDEMIC

MOVED: COUNCILWOMAN MARY LOPEZ SECOND: COUNCILWOMAN MONICA K. MORGAN

**DATE:** APRIL 28, 2020

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABS
BABOQUIVARI 384.8		192.40 192.40		x x		
CHUKUT KUK 347.5	,	173.75 173.75		x x		
GU ACHI 279.3		139.65 139.65	x x		х	
GU VO 264.5		132,25 132,25		X X		2
HICKIWAN 213.8		106.90 106.90	x x			
PISINEMO 230.7	1. MONICA K. MORGAN ( ) 2. MARIETTA MARTIN ( )	115.35 115.35	x	x		
SAN LUCY 235.6		117.80 117.80		x x		
SAN XAVIER 238.9	1. JANICE FELIX (Adam Andrews) 2. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	119.45 119.45	X X			X
SCHUK TOAK 189.0	1. QUINTIN C. LOPEZ (Agnes V. Joaquin) 2. TERESA F. DONAHUE (Alberta Espinoza)	94.50 94.50	X	х		
SELLS 547.1	1. EVELYN JUAN MANUEL ( ) 2. ARTHUR WILSON ( )	273.55 273.55	x x			
SIF OIDAK 244.5	1. LUCINDA ALLEN (Yolonda Garcia) 2. MARY LOPEZ (Ann M. Garcia)	122.25 122.25	x	Х		
	TOTAL	3,175.7	1,611.2	1,564.5	[01]	[02